

EXHIBIT N

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ECF

-----X
ERIC K. MERRING,

Plaintiff,

CV NO.:
07 CV 10381 CLB

- against -

THE TOWN OF TUXEDO, NEW YORK, THE TOWN OF
TUXEDO POLICE DEPARTMENT, TOWN OF TUXEDO
POLICE OFFICER ANTHONY DELIA, SHIELD NUMBER
24, TOWN OF TUXEDO POLICE SERGEANT PATRICK
WELSH, SHIELD NUMBER 17,

**NOTICE FOR
DISCOVERY
AND INSPECTION
PURSUANT TO
CPLR 3120(1)(ii)**

Defendants.

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PLEASE TAKE NOTICE that the plaintiff seeks permission to inspect the items taken from Mr. Merring, namely the knife and the stick, for the purpose of inspecting, measuring, surveying, photographing, or recording by motion pictures or otherwise, the property premises of plaintiff, namely the knife and the stick, held at the headquarters of the Town of Tuxedo Police Department, on the 15th day of May, 2008, at 10:00 a.m., with a representative of defendant THE TOWN OF TUXEDO POLICE DEPARTMENT and/or counsel present, and with plaintiff and/or a representative of plaintiff and/or counsel present as well.

Dated: Poughkeepsie, New York
April 23, 2008



LEE DAVID KLEIN, ESQ.
Attorneys for Plaintiff
11 Market Street, Suite 204
Poughkeepsie, New York 12601
845-454-9200

TO:
John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
55 Church Street, Suite 211
White Plains, NY 10601

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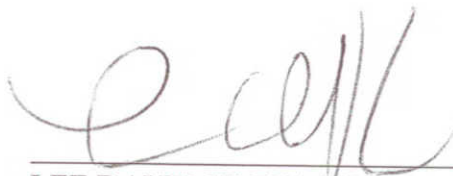
**CERTIFICATION
PURSUANT TO
SECTION 30-1.1A
OF THE RULES
OF THE CHIEF
ADMINISTRATOR**

Defendants.

-----X

I, LEE DAVID KLEIN, hereby certify that, to the best of my knowledge, information and belief, formed after an inquiry reasonable under the circumstances, the presentation of these papers, a **NOTICE FOR DISCOVERY AND INSPECTION PURSUANT TO CPLR 3120(1)(ii)** and contents therein, are not frivolous as defined in subsection (c) of Section 130-1.1a.

Dated: Poughkeepsie, New York
April 2, 2008



LEE DAVID KLEIN, ESQ.
Attorneys for Plaintiff
11 Market Street, Suite 204
Poughkeepsie, New York 12601
845-454-9200

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Defendants.

**AFFIDAVIT
OF SERVICE**

Assigned to:
Hon. Charles L. Brieant,
United States District Judge

-----X
STATE OF NEW YORK)
) ss.:
COUNTY OF DUTCHESS)

SUSAN SAMMUT, being duly sworn, deposes and says, that deponent is not a party to this action, is over 18 years of age and resides in Rhinebeck, New York; that on the 2nd day of April, 2008, deponent served a true and correct copy of a **NOTICE FOR DISCOVERY AND INSPECTION PURSUANT TO CPLR 3120(1)(II)** in this matter upon:


John J. Walsh, Esq.
Hodges, Walsh & Slater, LLP
Attorneys for Defendants
55 Church Street, Suite 211
White Plains, NY 10601

at the address designated by said attorney(s) for that purpose by depositing a true copy of same enclosed in a post-paid, properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York.



SUSAN SAMMUT

Sworn to before me this
22nd day of April, 2008.



Notary Public

LEE DAVID KLEIN
Notary Public, State of New York
Qualified in Dutchess County
Commission Expires Oct. 14, 2010